

REMARKS

Claims 1, 4, 5, and 8-14 are pending in this application. By this Amendment, claim 5 is amended. Support for the amendments to claim 5 may be found, for example, in original claim 5. No new matter is added.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

I. Restriction Requirement

In reply to the Restriction Requirement, Applicants provisionally elect Group I, claims 1, 4, and 12-14, with traverse.

The Office Action indicates that "[i]n the apparatus of Group II invention the description of the injection drive control mechanism is being 'for' fixing a particular amount of liquid per one injection operation" and asserts that this is "a recitation of intended use" and therefore concludes that "the apparatus of the Group II invention is not limited to the special technical feature of the Group I invention." Although Applicants disagree with this assertion, in an effort to expedite prosecution, by this Amendment claim 5 is amended to remove or change any language that may be construed as "intended use" language.

Accordingly, Applicants respectfully submit that Group I and Group II share a special technical feature. Specifically, claim 1 recites:

an injecting amount per one injecting operation of the liquid source to the vaporization section is fixed to be smaller than an amount of the liquid source required for one supply operation of the source gas to the substrate, and

the liquid source is controlled to be intermittently injected to the vaporization section and the amount of the liquid source required for the one supply operation is controlled by the number of injection of the injecting operation.

The Office Action acknowledges that "Group I has the special technical feature of a process of manufacturing a semiconductor device wherein an injecting amount per one injection operation of the liquid source to the vaporization section is fixed to be smaller than an amount of the liquid source required for one supply operation of the source gas to the substrate." Because claim 5 requires an injection drive control mechanism that is configured to perform the above-recited actions, claims 1 and 5 share at least one corresponding special technical feature and, thus, there is unity of invention among all the claims. Thus, requiring restriction between the claims for lack of unity of invention is improper.

Applicants appreciate the Office Action's indication that Group I has the special technical feature discussed above, and that Group II has the special technical feature of a "substrate processing apparatus comprising a processing chamber, a liquid container, a vaporizer, a liquid source supply pipe, a source gas supply pipe, an injection drive control mechanism, a supply pipe for supply a different reactant, and a controller for controlling." According to PCT Rule 13.2, the expression "special technical features" means those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art. Therefore, Applicants interpret the Office Action's indication of Group I as having a special technical feature and Group II as having a special technical feature as an indication that both groups of claims contain allowable subject matter, as they both contain features that distinguish the claims from the prior art.¹

Accordingly, if the Patent Office has already concluded that each group of claims contains allowable subject matter, Applicants respectfully submit that examination of all the claims would not create undue burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner

¹ If this was not the intent of the Office Action, clarification is respectfully requested.

must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.


Reconsideration and withdrawal of the Restriction Requirement are respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


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